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Dated: January 30, 2006

Signature: 

(Judy Calem)

Docket No.: 381092000720  
(PATENT)

ACT  
2/20 4/11/06

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of:

Terry P. SNUTCH et al.

Application No.: 09/346,794

Confirmation No.: 2888

Filed: July 2, 1999

Art Unit: 1646

For: NOVEL HUMAN CALCIUM CHANNELS  
AND RELATED PROBES, CELL LINES AND  
METHODS

Examiner: Nirmal Singh Basi

**REPLY BRIEF UNDER 37 C.F.R. § 41.41**

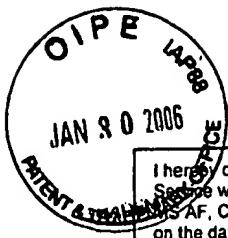
MS Appeal Brief – Patent  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This Brief is in Reply to the Examiner's Answer mailed 29 November 2005, setting a deadline for this Reply Brief of 29 January 2006. As 29 January 2006 fell on a Sunday, this correspondence is timely filed.

Appellants have submitted an amendment to cancel claims 25-27 and 34 to simplify argument. Appellants believe this amendment will be entered as a matter of right as set forth in 37 C.F.R. § 41.33(b)(1). A copy of this amendment is enclosed as Exhibit 1.

The sole basis for rejection is an asserted lack of utility under 35 U.S.C. § 101.



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Dated: January 26, 2006

Signature: *Judy Calem*  
(Judy Calem)

Docket No.: 381092000720  
(PATENT)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Terry P. SNUTCH et al.

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### AMENDMENT UNDER 37 C.F.R. §§ 1.116 / 41.33

MS AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Please cancel claims 25-27 and 34.

Claims directed to identifying agonists, specifically, of the T-type calcium channel, have been canceled as permitted by 37 C.F.R. § 41.33(b)(1) to simplify arguments on appeal. Applicants reserve the right to file a continuing application with regard to this subject matter.